

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

|  |   |                           |
|--|---|---------------------------|
| Milton Ciplet, Individually and on behalf of all<br>others similarly situated,   | ) |                           |
|  | ) |                           |
| Plaintiff,   | ) | Case No. 08-cv-4580 (RMB) |
|  | ) |                           |
| - against -  | ) |                           |
|  | ) |                           |
| JP Morgan Chase & Co. and J.P. Morgan<br>Securities, Inc.,   | ) |                           |
|  | ) |                           |
| Defendants.  | ) |                           |
|  | ) |                           |
| Mark Scharff, Pine Sash Door & Lumber Co.,<br>Inc., Mark Scharff & Associates LLC, 2170 Mill<br>Avenue LLC, 6202-6217 Realty LLC, Mark<br>Scharff ITF Michael Scharff, Mark Scharff ITF<br>Daniel Scharff and Mark Scharff ITF Ariel<br>Scharff, | ) |                           |
|  | ) | Case No. 08-cv-5026 (RMB) |
|  | ) |                           |
| Plaintiffs   | ) |                           |
|  | ) |                           |
| - against -  | ) |                           |
|  | ) |                           |
| JPMorgan Chase Bank & Co., J.P. Morgan<br>Securities, Inc., and Chase Investment Services<br>Corp.,  | ) |                           |
|  | ) |                           |
| Defendants.  | ) |                           |
|  | ) |                           |

**NOTICE OF MOTION OF THE ASSIF GROUP FOR CONSOLIDATION  
OF ACTIONS, APPOINTMENT AS LEAD PLAINTIFF, AND APPROVAL  
OF SELECTION OF COUNSEL**

PLEASE TAKE NOTICE that class members Thomas C. Assif, Kismet TMF Holdings, LLC, and SKS Capital Partners, LLC (collectively, “the Assif Group”), by their counsel, will hereby move this Court on a date and at such time as may be designated by the Court, at 500 Pearl Street, New York, New York for an Order (filed herewith): (i) consolidating the above-captioned related actions; (ii) appointing the Assif Group as Lead Plaintiff; (iii) approving their selection of Girard Gibbs LLP to serve as Lead Counsel, Stueve Siegel Hanson LLP to serve as Co-Lead Counsel, and Seeger Weiss LLP to serve as Liaison Counsel; and (iv) granting such other and further relief as the Court may deem just and proper. In support of this Motion, the Assif Group submits herewith a Memorandum of Law, [Proposed] Order, and the Declaration of Jonathan K. Levine and all exhibits attached thereto.

DATED: August 21, 2008

Respectfully submitted,

**GIRARD GIBBS LLP**

By: Jonathan K. Levine  
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**Proposed Liaison Counsel**

**CERTIFICATE OF SERVICE**

I, Jonathan K. Levine, hereby certify that on August 21, 2008, I caused the following document(s) to be filed electronically with the United States District Court for the Southern District of New York through the Court's mandated ECF service:

1. **NOTICE OF MOTION OF MOTION OF THE ASSIF GROUP, FOR CONSOLIDATION OF ACTIONS, APPOINTMENT AS LEAD PLAINTIFF, AND APPROVAL OF SELECTION OF COUNSEL;  
AND**
2. **[PROPOSED] ORDER CONSOLIDATING ACTIONS, APPOINTING THE ASSIF GROUP AS LEAD PLAINTIFF, AND APPROVING LEAD PLAINTIFFS' SELECTION OF COUNSEL**

Counsel of record are required by the Court to be registered e-filers, and as such are automatically e-served with a copy of the document(s) upon confirmation of e-filing.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21st day of August, 2008 at San Francisco, California.

/S/ Jonathan K. Levine

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Milton Ciplet, Individually and on behalf of all  
others similarly situated,

Plaintiff,

- against -

JP Morgan Chase & Co. and J.P. Morgan  
Securities, Inc.,

Defendants.

Case No. 08-cv-4580 (RMB)

Mark Scharff, Pine Sash Door & Lumber Co., Inc., Mark Scharff & Associates LLC, 2170 Mill Avenue LLC, 6202-6217 Realty LLC, Mark Scharff ITF Michael Scharff, Mark Scharff ITF Daniel Scharff and Mark Scharff ITF Ariel Scharff,

Plaintiffs

- against -

JPMorgan Chase Bank & Co., J.P. Morgan  
Securities, Inc., and Chase Investment Services  
Corp.,

Defendants.

Case No. 08-cv-5026 (RMB)

**[PROPOSED] ORDER CONSOLIDATING ACTIONS, APPOINTING THE  
ASSIF GROUP AS LEAD PLAINTIFF, AND APPROVING LEAD  
PLAINTIFFS' SELECTION OF COUNSEL**

Upon consideration of the motions and supporting papers filed by the movants for lead plaintiff in the above-captioned actions and for good cause shown,

**IT IS HEREBY ORDERED THAT:**

1. The Motion Of The Assif Group For Consolidation Of Actions, Appointment As Lead Plaintiff, And Approval Of Selection Of Counsel is **GRANTED**;

2. The above-captioned actions arise out of common alleged facts and include the same alleged claims against the same Defendants. Accordingly, they are hereby consolidated pursuant to Rule 42(a) of the Federal Rules of Civil Procedure.

3. Class Members Thomas C. Assif, Kismet TMF Holdings, LLC, and SKS Capital Partners, LLC are hereby **APPOINTED** to serve as Lead Plaintiff in the consolidated action, pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995.

4. The law firm of Girard Gibbs LLP is hereby **APPOINTED** to serve as Lead Counsel for the Class, pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995, in the above-captioned action.

5. The law firm of Stueve Siegel Hanson LLP is hereby **APPOINTED** to serve as Co-Lead Counsel for the Class, pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995, in the above-captioned action.

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6. The law firm of Seeger Weiss LLP is hereby **APPOINTED** to serve as Liaison Counsel for the Class, pursuant to Section 21D(a)(3)(B) of the Exchange Act, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995, in the above-captioned action.

**SO ORDERED.**

DATED: \_\_\_\_\_, 2008

\_\_\_\_\_  
THE HONORABLE RICHARD M. BERMAN  
UNITED STATES DISTRICT JUDGE